

OCT 22 2008

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# THE SHEEK LAW FIRM

ATTORNEY AND COUNSELOR AT LAW

C. LANCE SHEEK, ESQ

## PRODUCT LIABILITY DEPT.

October 16, 2008

OCT 22 2008

DeWalt Industrial Tool Co.  
710 E. Joppa Road TW425  
Baltimore, MD 21286

ATTORNEY-CLIENT/WORK PRODUCT  
COMMUNICATIONS

RE: Thomas E. McCranie v Dewalt Industrial Tool Co.  
C.A. No.: 08-CP-24-794

Dear Sir or Madam:

Please find enclosed and served upon you an Summons and Complaint along with a Certificate of Service in the above referenced action.

If you have any questions, please feel free to contact me.

  
Katrina S. Davis, Paralegal

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611 Montague Avenue Greenwood, South Carolina 29646  
Phone-(864) 227-6134 Fax-(864) 227-6836

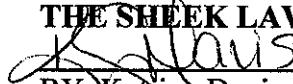
Exhibit A

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF GREENWOOD ) PRODUCT LIABILITY DEPT.  
Thomas E. McCranie., ) EIGHTH JUDICIAL CIRCUIT  
Plaintiff ) OCT 22 2008  
v. ) ATTORNEY-CLIENT/WORK PRODUCT  
DeWalt Industrial Tool Co., ) COMMUNICATIONS  
Defendant, ) CERTIFICATE OF SERVICE  
\_\_\_\_\_  
)

The undersigned of The Sheek Law Firm, does hereby certify that on the 16<sup>th</sup> day of October, 2008, she served the Summons and Complaint in the above referenced action by mailing the same in the U.S. Mail, Greenwood, South Carolina, to:

Dewalt Industrial Tool Co.  
710 E. Joppa Road TW425  
Baltimore, SC 21286

THE SHEEK LAW FIRM

  
BY: Katrina Davis, Paralegal  
611 Montague Avenue  
Greenwood, SC 29646  
Phone: (864) 227-6134  
Fax: (864) 227-6836

Greenwood, South Carolina

October 16, 2008

STATE OF SOUTH CAROLINA )

COUNTY OF GREENWOOD )

Thomas E. McCranie, )

Plaintiff(s) )

vs. )

DeWalt Industrial Tool Co., )

Defendant(s) )

IN THE COURT OF COMMON PLEAS

## CIVIL ACTION COVERSHEET

2008-CP - 24- 794

(Please Print)

Submitted By: C. Lance Sheek

Address: 611 Montague Ave., Greenwood, SC, 29646

SC Bar #: 65396

Telephone #: 864 227 6134

Fax #: 864 227 6836

Other:

E-mail: sheeklaw@yahoo.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

## DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

JURY TRIAL demanded in complaint.  NON-JURY TRIAL demanded in complaint.  
 This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.  
 This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.  
 This case is exempt from ADR. (Proof of ADR/Exemption Attached)

## NATURE OF ACTION (Check One Box Below)

## Contracts

Constructions (100)  
 Debt Collection (110)  
 Employment (120)  
 General (130)  
 Breach of Contract (140)  
 Other (199)

## Torts - Professional Malpractice

Dental Malpractice (200)  
 Legal Malpractice (210)  
 Medical Malpractice (220)  
 Notice/ File Med Mal (230)  
 Other (299)

## Torts - Personal Injury

Assault/Slander/Libel (300)  
 Conversion (310)  
 Motor Vehicle Accident (320)  
 Premises Liability (330)  
 Products Liability (340)  
 Personal Injury (350)  
 Wrongful Death (360)  
 Other (399)

## Real Property

Claim & Delivery (400)  
 Condemnation (410)  
 Foreclosure (420)  
 Mechanic's Lien (430)  
 Partition (440)  
 Possession (450)  
 Building Code Violation (460)  
 Other (499)

## Inmate Petitions

PCR (500)  
 Mandamus (520)  
 Habeas Corpus (530)  
 Other (599)

## Judgments/Settlements

Death Settlement (700)  
 Foreign Judgment (710)  
 Magistrate's Judgment (720)  
 Minor Settlement (730)  
 Transcript Judgment (740)  
 Lis Pendens (750)  
 Other (799)

## Administrative Law/Relief

Reinstate Driver's License (800)  
 Judicial Review (810)  
 Relief (820)  
 Permanent Injunction (830)  
 Forfeiture-Petition (840)  
 Forfeiture—Consent Order (850)  
 Other (899)

## Appeals

Arbitration (900)  
 Magistrate-Civil (910)  
 Magistrate-Criminal (920)  
 Municipal (930)  
 Probate Court (940)  
 SCDOT (950)  
 Worker's Comp (960)  
 Zoning Board (970)  
 Administrative Law Judge (980)  
 Public Service Commission (990)  
 Employment Security Comm (991)  
 Other (999)

## Special/Complex /Other

Environmental (600)  Pharmaceuticals (630)  
 Automobile Arb. (610)  Unfair Trade Practices (640)  
 Medical (620)  Out-of State Depositions (650)  
 Other (699)  Sexual Predator (510)

Submitting Party Signature:

Date: 7-18, 2008

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 ) EIGHTH JUDICIAL CIRCUIT  
COUNTY OF GREENWOOD ) C.A. No: 08-CP-24-744

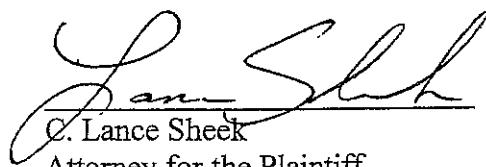
Thomas E. McCranie, )  
Plaintiff, )  
vs. )  
DeWalt Industrial Tool Co., )  
Defendant. )

**SUMMONS**

**TO: THE DEFENDANT ABOVE NAMED:**

**YOU ARE HEREBY SUMMONED** and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this Complaint upon the subscriber at his office, 611 Montague Avenue, Greenwood, South Carolina, 29646, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

**THE SHEEK LAW FIRM**



C. Lance Sheek  
Attorney for the Plaintiff  
611 Montague Avenue  
Greenwood, SC 29646  
(864) 227-6134  
(864) 227-6836 fax

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 ) EIGHTH JUDICIAL CIRCUIT  
COUNTY OF GREENWOOD ) C.A. No: 08-CP-24-794  
Thomas E. McCranie, )  
Plaintiff, )  
vs. )  
DeWalt Industrial Tool Co., )  
Defendant. )

**COMPLAINT**  
(jury trial demanded)

COMES NOW the Plaintiff above named, complaining of the Defendant herein, and would respectfully allege and show unto this Honorable Court as follows:

1. That the Plaintiff is a citizen and resident of the County of Greenwood, State of South Carolina.
2. That upon information and belief, the Defendant is a corporation organized and existing under the laws of one of the United States and conducting business in the County of Greenwood, State of South Carolina.
3. That the Defendant, as a part of its business operations, designs, manufactures and sales various industrial tools including, but not limited to, framing nailers commonly referred to as "nail guns"
4. That the nail guns manufactured by the Defendant are intended to have various safety features to prohibit the tool from expelling a nail unintentionally.
5. That on or about July 21, 2005, the Plaintiff was using a framing nailer manufactured and placed in the stream of commerce by the Defendant.
6. That on or about July 21, 2005, while using the framing nailer, the safety features of the tool failed causing the tool to expel a nail unintentionally and unexpectedly striking the Plaintiff in the abdomen.

7. That the nail so expelled did enter the abdomen of the Plaintiff causing the Plaintiff to suffer serious and painful injuries.

8. That the Plaintiff was forced to seek and undergo medical treatment for the injuries he received when the framing nailer malfunctioned.

**FOR A FIRST CAUSE OF ACTION**  
**(Negligence)**

9. That the Defendant was negligent in, but not limited to, the following:

- a. In failing to design sufficient safety features to prohibit the tool from accidentally or unintentionally expelling a nail, and;
- b. In failing to install sufficient safety features to prohibit the tool from accidentally or unintentionally expelling a nail, and;
- c. In placing such a dangerous device in the stream of commerce, and;
- d. In failing to properly warn the Plaintiff of the dangers of operation of the device, and;
- e. In failing to properly ensure that dangerous devices were recalled once the dangerous condition was discovered.

10. That as a direct and proximate result of the negligence of the Defendant, the Plaintiff suffered significant personal injury, pain, suffering and economic loss.

**FOR A SECOND CAUSE OF ACTION**  
**(Gross Negligence)**

11. That upon information and belief, the Defendant was aware of the dangerous condition of the device prior to the time of the Plaintiff's injury.

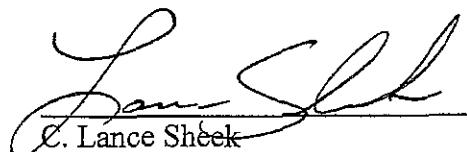
12. That the Defendant, knowing that the device may likely cause serious bodily injury, failed to take adequate steps to warn and inform the Plaintiff or to remove the device from the stream of commerce.

13. That as a direct and proximate result of the Defendant's gross negligence, the Plaintiff suffered injuries as hereinabove described.

**WHEREFORE**, having fully complained, the Plaintiff prays that this Court grant unto him relief as follows:

- a. That he be granted actual damages for the Defendant's negligence, and;
- b. That he be granted actual and punitive damages for the Defendant's gross negligence, and;
- c. For such other and further relief as this Court may deem just and proper.

**THE SHEEK LAW FIRM**



C. Lance Sheek  
Attorney for the Plaintiff  
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